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CERTIFICATE OF FACSIMILE TRANSMISSION TO NO. 1-571-273-8300

TOTAL PAGES: 53
I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents. P.O. Box 1450. Alexandria, Virginia 22313-1450 on the date noted below.

Nalini P. Sahadeo

Dated: December 5, 2005

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Peution for the requisite extension of time, and to the extent not tendered by credit card payment, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

Attorney Docket No. 00034CIPC/LH

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eiji KANEHIRA et al.

Serial No. : 10/654,178

Filed : September 3, 2003

For : MEDICAL TREATMENT INSTRUMENT

Art Unit ; 3739

Examiner : PEFFLEY, MICHAEL F.

Customer No.: 01933

INFORMATION DISCLOSURE STATEMENT WITH STATEMENT UNDER 37 CFR 1.97(e) AND STATEMENT UNDER 37 CFR 1.704(d)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### SIR:

Submitted herewith are the following:

- (1) Copy of a Japanese Office Action dated November 8, (and English translation thereof) issued in a counterpart Japanese application;
- Copies of cited publications (except U.S. patents and (2) publications); and
- (3) Form PTO/SB/08A.

An English translation of said Japanese Office Action is provided, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

U.S. patent numbers 6,626,901; 6,860,880; and 6,908,463 claim the benefit of priority from U.S. Provisional application number 60/038,589, which is the same U.S. Provisional application on which WO 98/38935 is based. Therefore, these three U.S. patents are also identified on the attached form PTO/SB/08A.

### STATEMENT UNDER 37 CFR 1.97(e)(1)

Each item of information contained in this Information Disclosure Statement was first cited in any communication from foreign patent offices in counterpart foreign applications not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of November 8, 2005. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

### STATEMENT UNDER 37 CFR 1.704(d)

Each item of information contained in this Information Disclosure Statement was cited in said communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in \$1.56(c) more than thirty days prior to the filing of the present Information Disclosure Statement.

It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have been considered and made of record.

## NOT A RESPONSE TO OFFICE ACTION

This paper is <u>not</u> a response to the outstanding Office Action mailed September 26, 2005. A response to said outstanding Office Action will be filed in due course.

Respectfully submitted

Leonard Holtz Esq Reg. No. 22,9/4

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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE 10/654,178 Application Number Substitute for Form 1449A/PTO September 3, 2003 Filing Date INFORMATION DISCLOSURE Eiji KANEHIRA First Named Inventor STATEMENT BY APPLICANT 3739 Group Art Unit PEFFLEY, MICHAEL F. Examiner Name 00034CIPC/LH Attorney Docket Number Sheet of 1 1 U.S. PATENT DOCUMENTS Kind Name of Patentee or Publication Relevant Ĉite No<sup>1</sup> Exam. Inits\* Document Number Codc<sup>2</sup> Applicant Date MM-DD-YYYY Portion 6,626,901 TREAT et al 09-30-2003 6,860,880 B2 TREAT et al 03-01-2005 6,908,463 B2 TREAT et al 06-21-2005 FOREIGN PATENT DOCUMENTS Kind Name of Patentee or Publication Relevant Cira